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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

OREGON NATURAL DESERT ASS'N,
et al.,

No. 3:19-cv-1550-SB

Plaintiffs,

v.

JOINT MOTION FOR SCHEDULING ORDER

JOSE LINARES, Acting State
Director, BLM Oregon/Washington, *et al.*,

Defendants,

and

CAHILL RANCHES, INC., an Oregon
Corporation,

Defendant-Intervenor.

Plaintiffs Oregon Natural Desert Association *et al.* (“ONDA”), defendants Jose Linares *et al.* (“BLM”), and defendant-intervenor Cahill Ranches, Inc., file this joint motion asking the Court to adopt the case schedule set out below. The parties respectfully submit this schedule for the Court’s review prior to, or in lieu of, the Rule 16 conference scheduled for January 31, 2020.

ONDA filed this case on September 27, 2019 [[ECF 1](#)]. BLM filed an answer on December 2, 2019 [[ECF 8](#)] and defendant-intervenor filed an answer on December 11, 2019 [[ECF 13](#)]. ONDA filed an amended complaint [[ECF 15](#)] on December 13, 2019. Defendant and Defendant-Intervenor filed answers on January 15, 2020 [[ECF 19, 20](#)].

ONDA and BLM agree that this case is based on judicial review of an Administrative Record under the standards of the Administrative Procedure Act (“APA”), 5 U.S.C. § 706, and is therefore is exempt from Fed. R. Civ. P. 16(b), and from initial disclosures and Fed. R. Civ. P. 26(f). *See* Fed. R. Civ. P. 26(a)(1)(B)(i), 26(f)(1). ONDA and BLM further agree that under the APA the case is appropriately resolved on the basis of cross-motions for summary judgment without need for trial. Defendant-intervenor agrees to abide by the proposed briefing schedule herein but otherwise takes no position as to other statements of the case.

The parties have conferred and now jointly move the Court to issue an order setting the following schedule and plan for resolution of this case:

- 02/28/20 Date by which Defendants shall lodge with the Court and provide to Plaintiffs the Administrative Record. The Administrative Record in the matter is expected to be extremely voluminous and Defendants will lodge it on DVD/CD or USB drive under [LR 5-1\(e\)\(1\)\(B\)](#). The Administrative Record will include an index detailing any items BLM is withholding subject to one or more privileges. Counsel for BLM has agreed to serve an electronic copy of the Administrative Record by overnight delivery to each counsel of record for ONDA and Defendant-Intervenors.
- 03/20/20 Date by which the parties will lodge a joint status report and propose a further schedule.

The parties do not at this time propose a date by which they will file dispositive motions because the BLM intends to prepare supplemental NEPA analyses to determine if further revisions to its sage grouse plans are necessary, including the plan for Oregon that is the subject of this lawsuit. The timetable for this process is not yet set and the parties anticipate providing the Court with more information in their proposed joint status report on March 20, 2020.

DATED this 28th day of January 2020.

Respectfully Submitted,

s/ Peter M. Lacy

Peter M. (“Mac”) Lacy
Oregon Natural Desert Association

Of Attorneys for Plaintiffs

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s/ Barclay T. Samford

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